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THE CASE of the OATHS Stated.

LICENSED, May 23. 1689. J. FRASER.

FOR the clearing of the matter in question, I shall lay down some Cases, which all Casuists agree will invalidate the Obligation of an Oath.

First, that an Oath cannot cancel a former obligation.

Secondly, That an Oath does not oblige to impossibilities; so that when the matter of an Oath either originally is, or by change of circumstances comes to be under either of these two considerations, the Oath is no longer obligatory.

Now that the late Oaths of Allegiance, &c. taken (as some would have them) in their outmost latitude, (such as at all times to aid and assist the King; to oppose him or any Commissioned by him upon no pretences whatsoever) does in some Cases interfere with former obligations, may, I conceive, be easily proved.

And this will plainly appear, by taking a view of the origine of Government; what it was at first intended for, and what Relations a man brings himself under, when he is made a member of a Civil Society.

Surely none will deny, but that Government by the intention of Nature, was ordained for the security of Mankind; and that men have voluntarily resolved themselves into Societies for to repell Violence, and for the mutual preservation of one another. For though self preservation be the primary aim of every individual; yet since that cannot be effected without mutual assistances, 'tis natural for a man to promise that aid and assistance to others, which he expects again from them upon the like exigences; and this I take to be the first natural obligation a man is under, when he enters himself in a Civil Society.

But since self-love and self-interest are oft times prejudices too strong for that just and equal return of Kindnesses which is requisite in all humane Societies: men therefore lay down and submit to external forms and Rules, which they judge to be the most convenient measures of their obligations to each other: and from the several sorts of these Rules, which (according to the circumstances of men and places, are various) proceed so many different forms of Government: And then that Person or Persons, who are made, as it were, Guarantees of this formal Alliance,

and to whom the Administration of Affairs, according to these Rules is committed, are termed Governours: so that these Governours being by the contrivance of Nature as necessary to mankind as the common Air, their arises a second obligation upon men to submit to them, and assist them, which obligation we therefore call *Natural Allegiance.*

Thus we see how Nature proceeds in the methods of Government; First, by inclining men to the mutual assistance of each other in their respective Societies. Secondly, And in order to the due observance of this primary Engagement, by inclining them to constitute, and submit to Governours, who upon any failure of this natural duty, shall have power to enforce the obligation.

So that our obedience to Governours, being by the sense of Nature founded upon a supposition, that it's consistent with the preservation of the Community which they Govern, must not be extended beyond the first design of its institution: and if their Command be evidently destructive of that Society over which they preside, they must not only not be obeyed, but opposed: For in such a case we must be put in mind of our antecedent obligation; the conditions of which is not barely not to be instrumental in our Fellow Citizens destruction; but to use our utmost endeavours for their preservation; And therefore if any man at the taking of those Oaths, thought he brought himself under an universal tye of submission to his Prince: I would fain know how he came to be first absolved from his obligation to the Community: and if this obligation (when both duties interfere) be the antecedent, and consequently first takes place: the person swearing may satisfie himself, that he engaged himself to the King further than was in his power to do, and so indeed judge himself indiscreet, but not perjured.

I foresee an Objection, which will be urged in this place: That these Oaths were allowed of by Parliament, which virtually implies the Consent of the whole Nation: and therefore since they have consented that I should take the Oaths in this Latitude, they have therefore absolved me from the obligation of giving the people assistance upon any pretence whatsoever against the King.

In answer to this, I would have every man consider: First, whether the Parliament did intend the Oaths should be obligatory in that Latitude: And secondly, If they did intend it, whether they had power to make them so.

First, that they did not intend it, seems plain from all their subsequent actions; For if they did intend such an universal submission, as not to oppose the King upon any pretence whatsoever; they must intend to

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make him to all intents and purposes Absolute, and consequently give away their share in the Legislative Power: which is plainly otherwise by their constant Recognitions ever since in the Preamble of every Act of Parliament: and that this would be the inevitable consequence of such an unlimited obligation upon the People, is evident: for what is wanting to make a King at least *de facto* absolute, but that his subjects should be under a necessity in all cases not to oppose his Commands? And then a little time and prescription will soon make him so *de jure* too.

But I cannot believe that the Legislators would act so inconsistent with themselves, as (in the Declaration they required us to make) to intend it should oblige to the utmost extent of the words: since in some cases it may stand in contradiction to other Oaths we had before taken, and which they afterwards expected should continue in force: *viz.* the Oaths of Allegiance and Supremacy. By these Oaths we are obliged, *to the uttermost of our power, to defend the King against all attempts whatsoever, which should be made against his Crown and Dignity; and to defend all Jurisdictions, Priviledges, Prehominences, and Authorities belonging to the King, and Imperial Crown of this Realm*: In the Declaration we engaged *not to take up Arms against the King, or those that are commissioned by him, upon any pretence whatsoever.* Now we will put the Case (which is not very unlikely) that the King should Commission a Marshal of *France* with a Body of *French* and *Irish* Papists to enter his Kingdom, and take possession of the most important places in it: That he should owne the Pop's Authority, and suffer his Legate to exercise Ecclesiastical Jurisdiction within this Realm: the evident consequence of which, would be subjecting the Kingdom to Popery and *French* Slavery. Let us then in such a case view the contradictions that would lye in an *English-mans* duty, who had taken all these Oaths in the utmost extent that the words will bear. If he takes up Arms against the *French* Philistine, then his Declaration condemns him for opposing a *Person Commissioned by the King upon any pretence whatsoever*; and the security of the King's Crown and Dignity, the Lives, Laws, and Liberties of the Subjects are but pretences, though I must confess of very high concern to the whole Nation. If he sits still, and is contented only to lament the consequente that attends Dragoons and Inquisitions: then how does he fulfil his Oaths of Allegiance and Supremacy, wherein he is ingaged *to the uttermost of his Power to defend the King's Crown and Dignity, to defend all Jurisdictions, &c. belonging to the King, and the Imperial Crown of this Realm*, when he manifestly perceives all these invaded, and the Spoil divided between

a Foreign Prince, & a Foreign Prelate? Now, in such a Case, I leave it to any man to judge, whether by the Laws of Nature, and the Constitution of this Kingdom, the Declaration would remain in force, and not admit of a reserve upon so urgent a necessity.

And if any man thinks to reconcile the Declaration, and the Oaths in this Case, by saying, That the King by giving Commission to a *Foreigner* to enter into his Kingdom, has thereby constructively resigned his Government: or by saying, That the *French* General is uncapable of a Commission by Law, and therefore, that he may be opposed, as being no Legal Officer: both these positions turn against them who contend for an unlimited Submission, made by the Declaration, and for an universal Allegiance in no case to be alienated. For the first Supposition proves, That the indelible Character may be lost, and that a Crown is not so fix'd, but that a King (as to himself) may void his Throne by an Interpretative dereliction: The second proves as much against our English Papists, as against the *French*: for they are by the sense of our Law no more capable of Commissions than so many Salvages: and who ever took up Arms to oppose their illegal Designs, tho the King himself were at the bottom of them, were no more Rebels in Conscience (whatever they might be called by a high-strain'd Comment upon some Laws) than if they had rise to seize so many armed Thieves, *Irish* Wolves, or a *Romish* Legion. So that in short, tho our Declaration be in general Terms, not to oppose any that are Commissioned by the King; yet, if my Obedience has still this tacite condition, that the Person commissioned, is qualified by the Laws of the Land: why must not the Law of Nature, which is the Foundation of all Government (to wit, the Preservation of Communities) likewise take place, and be tacitly supposed an Exception in all Engagements we make, as to those Cases which are destructive of it.

But, Secondly, If the Parliament did intend to bring our People under such an entire and universal Submission, as is pretended: yet they had no Power to do so: For no Power can reach further than the reason of its Institution, and if the reason of the Peoples delegating their Power to their Representatives, was to preserve their Lives, Liberties and Priviledges: it cannot be supposed, that this delegated Power can extend to make them Slaves. If a Minor gives his Guardian full Power to manage his Estate: 'tis not in Equity to be supposed, that he may not oppose him, if he Squanders it. Besides, the Parliament could not make a Law which would bring the People under an Obligation contrary to the Law of Nature, because the People themselves could not do it; and therefore, the Power of Parliament could reach no further than theirs from whom it was derived.

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No man can give another Power to kill him, becauſe the conſent is unnatural, and ſo it is in it ſelf null and void: ſo no Community can give any Perſon power to deſtroy them, either directly, or by conſequence: becauſe their being a Community was for their Preſervation: and 'tis preposterous in nature, that the Means ſhould be deſtructive of the End. However, this will not reach thoſe Alterations which are often made for the conveniency of the Government: for a Man may give another Power to give him Phyſick, but not Poyſon.

I know ſome Men will ſay, That the Declaration is impoſed in general Terms, and that they cannot make particular Exceptions: and ſince the Law has no diſtinctions, they think that 'tis not in their Power to make any.

In anſwer to this, I reply; and 'tis Biſhop *Sanderſons* Opinion, That the Words of an Oath, though never ſo generally expreſſed, have ſtill ſome tacite Exceptions, which muſt make them conſiſtent with common Equity, when ever they interfere: And when the Reaſon of the exception is not foreſeen, and very unlikely to happen (as 'tis in the Caſe of a Kings endeavouring to ruine his Subjects,) he ſays, 'tis moſt convenient, that the Oath be expreſſed in the moſt general Terms: his Reaſon is, becauſe ungrateful Exceptions are apt to make our Fidelity ſuſpected, and raiſe a Jealouſie in the Perſon to whom we ſwear; and ſo, in ſome meaſure fruſtrate the very Deſign of an Oath. And indeed, our Obligation to to the *Laws* of God themſelves, though expreſſed in general Terms, have been interpreted with reſerve, when the matter ſeemed to require it; as in the caſe of the *Sabbath*, and the *Shew-Bread*, and the *Alliance* between *Husband* and *Wife*, though our Saviour makes no Exception but that of *Adultery* (and an Exception is ſuppoſed commonly to make the Rule the ſtronger,) is by moſt men judged to be diſſolved in the caſe of impotence and frigidity.

'Tis hard to imagine, that Humane *Laws* can be ſo contrived, but that ſome Caſes of Neceſſity (and one is enough to ruine the Univerſality of the obligation) may be ſuppoſed, and ſometimes happen, which muſt juſtly over-rule them, and ſo relieve the Conſcience from the guilt of tranſgreſſing them; as in the *Caſe* of a ſudden Invaſion, where the *Country* riſes in arms without the King's Commiſſion, (which is Treaſon in Form of *Law*,); and yet I hope no one in Equity will charge ſuch men as Traitors for Delivering their Countrey, though the Prince himſelf were willing to have it Invaded. 'Tis true, men were loth to have ſuch unnatural *Inſtances* ſuppoſed; but I hope the preſent *State* of *Ireland*, and a little late Intrigue in *England*, has by this time convinced us, That there is a Religion in the World, which is too angry and rough for the *Tenderneſs* of Nature.

Indeed ſome men urge the *Inconveniency* of a *Liberty* in the *People* to

to oppose the Will of their Prince, even in a case of the greatest Necessity, because others will pretend Necessity where there is none; and so all Government will hang as loose as a Weathercock.

I must confess, if the Dispute were only, which was most Natural, That the people should have an *Arbitrary* Power of resisting their Prince, or, that the Prince should in all cases be irresistible, and so govern at Discretion, *I* should be apt to side with the latter part of the Question; because I had rather trust my self to the Fury of my Prince, than to the Madness of the people. But since there is a middle Opinion, which will neither allow the Prince to be precarious, nor the People Slaves; which will keep the Subjects quiet, if they be not possessed, and the King secure, if he be not raving; I am inclined to think, that this Scheme of Government is most consistent with Nature, and the good of Mankind. And therefore before Subjects can make a Just Defence against their Governours, they must be sure that the Necessity of it be evident and general; they must not be influenced by particular mens discontents, as if the whole frame were tottering; and not mistake that for a common Cause, which perhaps is shrunk into a Faction.

Neither can we decently argue from the abuse of a Priviledge, to the total disuse of it; since we condemn the same *Argument* in the Papists, when they would prove, that the Scriptures ought not to be read by the Common People, because thereby some of them are apt to broach Heresies and Schisms. But we say, *Let the Heretick answer for himself, and the Rebel receive the reward of his iniquity*: We think it unjust, that for the faults of others, we should lose either our Bibles or our Birth-right.

Then the whole matter of this Controversie must turn upon this hinge; whether the *Matters* of Fact charged in the Prince of *Orange's* Declaration, were true; whether Designs were laid, and almost perfected, to ruine the Kingdom, and bring in Popery; and that, we know, would kindle Fires, not unlike those of Hell, unquenchable. If then these *Matters* were true, I think a Person who would ruine his *People* and *Government*, though it were for the sake of his Religion, is under as great a Natural Incapacity of Governing, as if he were a *Lunatick*, or an *Idiot*: for what difference is there whether a man be destroyed by *Zeal* or *Phrensie*? And would it have been any greater Comfort to the *People* of *Rome*, if *Nero* had burnt their Town out of a well-meaning Design, and not out of a Frolick?

Having briefly examined the Nature and obligation of the *Oaths of Allegiance*, &c. as they have hitherto concerned us; I shall further enquire, how they affect us under the present *Circumstances*, and how far

ſer we may in Conſcience cloſe with the preſent Eſtabliſhment, by taking the New impoſed Oaths, notwithſtanding the Force pretended to remain in the former.

And here I muſt premiſe what Biſhop *Sanderſon* and others ſay, That an *Oath of Allegiance* to a Lawful Prince, does not add any New Right, but only confirms what was naturally due to him from his Subjects; So that if the Subjects, after taking ſuch an Oath, fail in their Duty, the injury to the Prince is not thereby become greater; only they are rendered the more *Criminal*, by adding Perjury to their perfidiouſneſſe. This I mention, to remove the prejudice ſome men lye under, by thinking that their Oaths bring them under a ſtricter ſubjection, and that they are not allowed the ſame prudential *Latitude*, as to *their Allegiance*, with thoſe men who have not taken them. Now therefore if by the Nature of Government, *Allegiance* it ſelf may in ſome Caſes ceaſe before the Death, and without the formal Conſent of the prince, then the Oaths founded upon this *Allegiance* muſt ceaſe alſo: So that the pretence of an unalienable *Allegiance* muſt drop; and then the Enquiry muſt be, whether our Caſe may not admit of as favourable a Conſtruction in this matter as any other.

1. *Caſe.* If a King ſhould manifeſtly go about to deſtroy his Subjects; I ſay, in this Caſe *Allegiance* ceaſeth; becauſe *Allegiance* being a Duty ariſing from a Relation between King and *Subjects*, and this Relation being founded in general upon the good of Mankind, and in particular upon the preſervation of ſuch a Society; where the Foundation does not appear, there the Relation is loſt, and conſequently all the Duties flowing from that Relation: and ſo we find in all other Relations whatſoever, that the Obligation is void, when the Reaſon of the Relation ceaſeth; as 'tis between Husband and Wife, Maſter and Servant, in thoſe caſes which are deſtructive of the ends of thoſe Relations: and ſo it is alſo in ſome reſpects as to the Relation between a Father and his Children; for a Father muſt be conſidered, either as a perſon begetting his Children, or as a perſon afterwards governing and protecting them: In the firſt reſpect the Relation depends upon one antecedent *Act*, which gives him a perpetual Denomination, which can no more be recalled than the time paſt, and ſo is neither in the Father nor Children's power to be cancelled: In the ſecond reſpect, it depends upon ſubſequent *Acts*, and following Conditions; and ſo either continues, or loſes its Force, according to the performance of thoſe Conditions: So that if a Father ſhould endeavour to deſtroy his Children, they may by the Law of Nature oppoſe him; and without his leave, put themſelves under the protection of another for their preſervation. And 'tis plain, that the

Duty

Duty of Children to their Parents, flowing from the Relation between them, taken in this latter Acceptation, is not of Eternal Obligation; since every Wife transfers her Duty from her Father to her Husband, whom she is bound to obey, even in oppoſition (if it ſhould ſo happen) to the Commands of her Father.

2. *Caſe.* If a King ſhould alienate his Kingdom, and give it to a foreign Prince; who is univerſally reputed an Enemy to the Kingdom; then the Subjects are abſolved from their Allegiance, becauſe the King has reſign'd his Power, and this in the Opinion of all men makes him a Private man: And though here in England, ſuch an Act would be in it ſelf null as to the Succeſſion; yet it is ſufficient to ſhew the preſent Poſſeſſor's will of relinquiſhing his Government; and ſo if the next Perſon takes place, there is no Injury done to him, who voluntarily reſigns, becauſe the Reſignation is full and good, though there may be a flaw in the Conveyance.

3. *Caſe.* If in a juſt War, where the Subjects are not bound to aſſiſt their Prince, he is brought to ſuch Circumſtances, as to be obliged to give juſt Satisfaction to the Prince who brings his Forces againſt him; but, rather than ſubmit to ſuch Legal Terms as are offered, will leave his Kingdom, without making any proviſion for the Government of it: In ſuch a Caſe likewiſe his Subjects Allegiance ceaſeth, becauſe he that leaves the Government of his Subjects, muſt be ſuppoſed to reſign his Intereſt in them; for Government is ſo neceſſary for the preſervation of Subjects, that he who intends to have Subjects, muſt at the ſame time intend to have them Govern'd; neither can force be any excuſe in ſuch a Caſe, becauſe force can be no benefit to a Mans Plea, unleſs it be unjuſt; a Man can make no advantage of being forced by Bailiffs, when he runs away for Debt, becauſe the occaſion of the Force was originally from himſelf, and he might, and ought to have prevented it; and therefore if a King will go off, rather than to comply with Juſtice, he then forces himſelf, and his Deſcretion is voluntary.

4. *Caſe.* But if a Lawful Prince ſhould be driven out of his Kingdom by unjuſt force, and another ſet upon his Throne, to whom Allegiance is required to be ſworn, notwithſtanding the former Oaths to the Lawful Prince: *I* ſay, then alſo, if the force upon the Subjects be irreſiſtible, they may be free to make their terms with the King *de facto* for their Protection, though it be in prejudice to their former *A*llegiance.

And the reaſonableneſs of this Liberty in the Subjects, will appear; First, from the deſtructive Conſequence of denying it; for then upon any Succeſsful Revolution, all that aſſiſt the lawful Prince muſt be deſtroyed; and every Conqueſt muſt end in the extirpation of the People

of

of that Kingdom which is Invaded; ſo that conſidering the various viciſſitudes of Governments; how that in ſome ſmall term of years, there is ſcarce a Country, which does not fall under ſuch preſſing Neceſſities: If God had thought fit to oblige Men by ſuch a Principle, he might eaſily have deſtroyed Mankind without the expence of a Deluge. We have indeed heard of Men, who generouſly laid down their lives for the Intereſt of their Country; but that a whole Nation ſhould be ruined for the ſake of their King, at a time when they are able to do him no Service by it, is a Piece of Gallantry, that we never yet had an Inſtance of. When a King is reduc'd to ſuch Extremities, to ſuffer for him, is to fall for the ſake of an empty Name, and dye Martyrs for an irrecoverable Title: ſo that the Law of Nature, the Deſign of Government, and the Practice of all Mankind, will allow Subjects, when the King's Intereſt is inevitably loſt, then to endeavour to ſecure their own, and honourably to deliver up that Allegiance, which they cannot any longer defend.

Secondly, Beſides that the Nature of Allegiance will allow Subjects to enter into Terms with a prevailing Invader; they may likewiſe rationally preſume, that they have the conſent of the lawful King to do ſo; and where a formal conſent cannot be had, a tacite one ſuppoſed upon good Grounds is ſufficient; this made Biſhop *Sanderſon* think it lawful to ſubmit to the late Vſurpation, becauſe the Subjects might Preſume that they had the King's leave for it; and the reaſon of that Preſumption is founded upon the tenderneſs every King ought to have for his Subjects, who is obliged to have the ſame compaſſion for them, that *David* had for his in another Caſe, when he ſaid, *If I have done amiſs, ſtrick me, but what have theſe Sheep done?*

And if we may preſume that the lawful King will conſent that his Subjects ſhould pay an *Vſurper* ſome Acts of Allegiance in a Caſe of neceſſity; Why not, if their Protection can be had upon no other Terms, that he ſhould give them leave totally to tranſfer it? Like *Solomons* true Mother, who, for the ſake of her Child, would rather reſign him up wholly to her enemy, than reſerve to her ſelf a dead and uſeleſs ſhare by the diviſion. Now there can be no reaſon pretended, why a King ſhould not be preſumed to give ſuch a conſent, but becauſe he would thereby loſe his Subjects, and a King without Subjects is no King: Let us then ſee whether by the denyal of ſuch a conſent, he would not likewiſe loſe his Subjects, though after a much more diſmal manner: For if the Subjects entertain ſuch a Principle of a ſtiff perſeverance in their former Allegiance, it muſt oblige the Conquerour to put them all to the Sword; and every Invader muſt, like *Moſes*, poſſeſs a Country only by deſtroying all the Inhabitants of the Land.

But if it be objected, That King *J.* does actually require his Subjects Allegiance, by his manifest endeavours to regain his *Kingdoms*. I answer, if it be morally impossible (and I think that to be impossibility enough to invalidate an *Oath*) that King *J.* should repossess himself of this *Kingdom*; according to the present Disposition of the People without destroying at least ten parts of them; and when all that is done his *Kingdom* and himself would be but a Prey to a more powerful *Neighbour*; *I* say, in such a Case, we are to consider the Circumstances we are in, and then the Question will be, not, what Liberty the *King* does but what he ought to allow his Subjects; for I think no Subjects are bound to regulate their *Actions* according to the *Splen* and Delusion of their Princes.

There is nothing more common in History, than upon irresistible force Instances of transferring *Allegiance* from the lawful *Governours* to the *Prevailing Power*; which *Livy* therefore frequently expresses by *tradere in fidem, accipere in fidem*; and the *Romans*, in the like Case, when they could afford their *Subjects* no *Assistance*, *redire Domum, fidemque ultimum expleta, consulere sibimetipsos in præsenti fortuna jussérunt*, Lib. 23. cap. 20. *Nay*, the *Roman* Greatness it self was made up of such alienations; and that Due which our *Saviour* Commands to be rendered to *Cesar*, was but of a short standing, and the Effect of a very late *Usurpation*.

One *Scruple* is, That the present Establishment is against the *Laws* of the *Land*, and therefore we cannot submit to it without transgressing them. This Argument does upbraid all Conquer'd Nations whatsoever, and by it we condemn them for not suffering themselves to be destroyed upon every Revolution since the Creation; for I suppose there is no Nation that has a *Law* to allow it self to be Conquer'd; and yet we find many, when they were reduced by Force, who could submit to Terms though with Prejudice to their own Constitution. *I* must confess that to be Zealous for Forms of *Law*, at a time when they are over-ruled by force and pressing *Necessity*, is like the Man of *Gotham*, who when he was overtaken by a Storm, stood still, and would not ride for shelter, because he had wisely observed, that it was not customary to travel in foul weather; but 'tis not very agreeable to stickle for *Laws*, when at the same time we transgress them; we cannot eat and drink without increasing the Revenue, and so in some measure aid and assist *Usurpers*; we cannot sleep without owning their Protection: and if we cannot justifie these actions but by the plea of necessity, let us carry the necessity a little higher, and consider whether any *Law* of a *Society* obligeth to the confusion of it; and whether we may not for the sake of peace submit to an establishment, which ordinarly we could not approve.

But since the *Statute* of *Henry* the Seventh, is part of our law, I think

we may justly take the advantage of it; and according to my Lord *Bacon's* Character, *the spirit of this Law was wonderful, pious, and noble*; and I believe the design of that Law appears visibly in our Case; 'twas to indemnifie the Subjects for making terms and submitting to the King *de facto*, tho the true right might be in another: So that this liberty being legally granted, it secures us from any guilt we can contract in this case from the Laws of the Land; and as for the Law of Nature, I hope it sufficiently appears that this liberty is consistent with it.

Nothing now remains but to compare our present behaviour with that of the Nobility, Gentry, and Clergy, during the late times; whose steady Loyalty is thought by some to be a reproach to our inconstancy.

Let us then impartially consider the circumstances of those worthy Sufferers, during the Reign of King *Charles* the First, together with our own, and then judge whether we are not a little too severe upon our selves, to make our sufferings parallel, when the reasons of them are so infinitly different; those worthy Patriots were obliged to stand by their King by all the tyes of Love, Honour, Gratitude, and Generosity; the difficulties he engaged in were for their sakes, and indeed he fought their Battels; so that if he had not been their King, they must have stuck to to him as their Captain. He might have purchased his own peace, if he had sacrificed their *Interest*; and then after such endearing obligations, when they unfortunately found that they had lost not only their King, but their friend, and that in his stead *Dagon* was set up, 'tis no wonder if their resentments could not easily be cooled, and that they would refuse to enter into terms with misery and confusion.

But the case of every Church of *England* man is now quite otherwise: (*I* speak of those who are truly such; as for those of our Communion, who by their servile compliance shewed they had no conscience in the last Reign, it will but ill become them to pretend to one in this; and therefore *I* am not concerned, if they are not included in the argument) *I* say their loyalty to King *J.* is not to be considered with the addition of any favours, but as bare and naked, as a *French*-Gally slave owes to his Sovereign Persecutor. Nay, their loyalty was highly provocked, and *I* am apt to believe industriously tempted; their loyalty was disobliged so far beyond humane patience, that nothing but their holy Religion could have kept it steady. They bore all the affronts that the pride and insolence of that Conclave could throw upon them; they had their Nobility and Gentry disgraced, their Bishops imprisoned, their Clergy harassed, their Laws trampled upon, their Religion and liberties unjustly assaulted; and all these compared to what was in all humane probability to follow, but the beginning of sorrows. All these indignities they endured with great evenness of temper; tho considering their strength

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they might with all imaginable eaſe have checked their Perſecutor ſhaked off the yoke, and aſſerted their freedom; yet among all the hardſhips they ſtirred not in their own defence; their mighty deliverance was not from themſelves, neither was it their own arm that helped them.

Let us again conſider the difference in that caſe of their preſent Church of *England* men, and thoſe of the late times, in reſpect of the Perſons who are ſet and claim our Allegiance, they muſt have ſubmitted to a Sett of men, who had pluck up the whole Government in Church and State by the Roots; ſo that they might as have joyned with Anarchy, as with ſuch a Scheme of Government. The *Presbyterian*, Rump Parliament, Army, and *Independent* Model, all jumbling together, the very beſt ſcarce tolerable, but a Jargon of all, impoſſible to be endured. So that the Gentlemen thoſe times could not endure to ſee ſuch a farce of Government without indignation and therefore no doubt but they had ſtill hopes and vigorous reſolutions, to have the own again re-eſtabliſhed; and then they could not ſwear to a party, which they were engaged to oppoſe.

But the Royal Perſons who now ſit upon the Throne, tho they are there before our hopes, yet if they had been four years ſooner, they could not have been there before our wiſhes: And if there be a ſmall flaw in their Settlement in reſpect of the ſtrict Rule of our Conſtitution, yet 'tis but what the wiſdom of the Nation thought in this conjuncture neceſſary, and the Perſons concerned in it have allowed. So that as to ſatisfie any ſcruple will be groundleſs. And as for bringing back King *James*, I know none that have an inclination to it, but thoſe who can take Oaths, and afterwards find an end expedient to be abſolved from them. Whatever Severities our Religion requires us to ſuffer from Popery, when in poſſeſſion, I am ſure it does not oblige us to contribute the bringing of it in; and therefore if we reſerve our Allegiance, only leaſt King *James* with a foreign force ſhould be able to demand it of us. I am afraid we muſt then be forced to transfer it with a vengeance, and what we deny for the protection and ſafety of King *William*, we may ſacrifice to the fury of King *Lewis*.

I cannot ſee, how cloſing with the preſent eſtabliſhment can be any blemiſh to our Religion, ſince I cannot find the caſe prohibited in any part of the Bible. I am ſure God by the mouth of his Prophet commands his people *Iſrael*, when they were conquered and reduced to extremities, to ſerve the King of *Babylon*, and live, *Jer.* 27. And as for the ſecurity of Government, ſuch extraordinary inſtances muſt not be reduced into common practice: and Paſſive Obedience will have its uſe in ſeveral Caſes, in all the Jeſts that are now made upon it. For if Paſſive Obedience be not a Duty, there is no Rebellion in Nature, and all Governments are as much obliged to this Doctrine truly ſtated, as they are to the 13 *Chap.* to the *Romans*.

Having now briefly conſidered all the Objections that are made againſt ſubmitting to the preſent Eſtabliſhment, I think none remain but what are more trivial, and either come directly under theſe Caſes mentioned, or conſidering our Circumſtances are eaſily reduceable to them. So that thoſe Conſcientious perſons who ſcruple the Oaths, can in modeſty ſuppoſe their opinion to be at beſt but probable, ſince ſo many worthy men take the Oaths, and ſo many Arguments are daily produced to juſtifie the action; then let them conſider; whether they are obliged to let their Religion, the peace of the Country, their own Liberties and Properties ſuffer a manifeſt inconveniency for to maintain a doubtful Cauſe, and to defend a Loyalty founded only upon the impracticable notions of ſome Speculative men, and a thin Metaphyſical Scheme of Government: I hope therefore they will not ſuffer the penalties of the late Act (I dare ſay ungrateful to the impoſers) to take place, and ſo deprive themſelves of their own neceſſary ſupport and the Government of their ſervice.

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